

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

TRUTEK CORP.,
Plaintiff,
v.

PETER CHO; ABDUL GAFFAR;
SALVACION USA, INC.;
SALVACION CO. LTD.;
SALVACION R&D CENTER;
SALVACION INTERNATIONAL,
LLC; BIOSURE GLOBAL;
SALVATION R.D.,

Defendants.

Case No.: 2:23-cv-03709-JMV-JRA

**SUGGESTION OF DEATH UPON
THE RECORD UNDER 25(a)(1)
and MOTION FOR
SUBSTITUTION OF PARTY**

Counsel for Plaintiff in the above-referenced action gives notice and suggests upon the record, pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure, Counsel's recently discovered death of Abdul Gaffar, a defendant in this action. Abdul Gaffar passed away on February 13, 2023 (*A copy of Defendant's obituary and Affidavit of Non-Server attached hereto and shown as Exhibit A*).

Pursuant to *Federal Rule of Civil Procedure 25(a)(1)*, it is hereby requested that "Estate of Abdul Gaffar, Deceased" be substituted in place of "Abdul Gaffar" as defendant in this action, so that Plaintiff's claims survive, and the action may proceed as intended.

WHEREAS, Defendants attorneys take the position that a Substitution of this manor is not procedurally correct under *Federal Rule of Civil Procedure 25*;

WHEREAS, Plaintiff's attorneys were only recently notified of the deceased and are well within their rights and timeframe to request such Substitution under *Federal Rule of Civil Procedure 25(a)(1)*.

WHEREAS, Plaintiff's attorneys have served a copy of this motion upon Maria C. Gaffar, Trustee of the Estate of Abdul Gaffar, in accordance with *Federal Rule of Civil Procedure Rule 5* (*A copy of Manatee County's Public Record naming Maria C. Gaffar as Trustee to the Estate of Abdul Gaffar attached hereto and shown as Exhibit B*).

The request under this Motion is not sought for delay, but so that justice may be done.

RULE 3.4 CERTIFICATION

Pursuant to Local Rule 3.4, counsel for Plaintiff Trutek Corp., have conferred with all counsel for Defendants.

CONCLUSION

Plaintiff Trutek Corp. respectfully requests this Court enter a Suggestion of Death Upon Record and grant Plaintiff's Motion for Substitution of Party.

Dated: August 23, 2023

Respectfully submitted,

/s/ Solomon Radner

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CERTIFICATE OF SERVICE

I hereby certify that, on this 23nd day of August 2023, the foregoing Suggestion of Death Upon the Record Under Rule 25(a)(1) and Motion for Substitution of Party was served on all parties of record by means of electronic filing via the Electronic Case Filing (ECF) system.

In addition to the above, I certify that on August 22, 2023, Maria C. Gaffar, Trustee to the Estate of Abdul Gaffar, was mailed a copy of this Motion along with the Summons, Complaint, and its' Exhibits via Certified and Regular Mail, return receipt requested and in accordance with Federal Rule of Civil Procedure, Rule 5.

/s/ Solomon Radner